(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

W. P. NO.3404 OF 2005

PETITIONERS

1. Rajeev Grih Nirman Sahakari Samiti, a Co-operative Housing Society bearing Registration No. RPR/90/82-83 having its Office at Katora Talab, Raipur, Tahsil & Dist Raipur (Chhattisgarh) through its Chairman.

2. Choith Ram Bajaj, S/o Late Jathanand Bajaj, aged about 68 years, Chairman Rajiv Grih Nirman Sahakari Samiti & R/o Katora Talab, Raipur, Tahsil and District Raipur (Chhattisgarh)

P.R. No. 3404/05
Presented by Shri Arpit Varma
dated 31/12/05

VERSUS

RESPONDENTS

1. State of Chhattisgarh through Secretary, Department of Town & Country Planning, Mantralaya, Dau Kalyan Singh Bhawan, Raipur (Chhattisgarh)

2. Director, Town & Country Planning, Chhattisgarh, Raipur (Chhattisgarh)

3. Joint Director, Town & Country Planning, District Office Raipur (Chhattisgarh)

शपथ आयुक्त
बिलासपुर (छ.ग.)
बिलासपुर तहसील कोर्ट

1985

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF CERTIORARI, MANDAMUS, PROHIBITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS:

(34)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ...WP 3505... सन् 2005

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

29.7.2005.

Shri Manindra Shrivastava, Sr. Counsel with Shri Afroz Khan, counsel for the petitioner.

Shri Sandeep Dubey, Govt. Adv. for the State.

Heard.

The case of the petitioner is that the petitioner is a society which undertook the construction work of a housing colony on the land situated in Khasra No.389, Village Tikrapara, Raipur and also land in Khasra Nos.42, 43 & 44 in Village Puraina, Raipur. The map was got approved from the Town & Country Planning Department and the colony was being developed as per approved plan of the respondents. However, a complaint was made by one Bhajandas Haldani on which certain actions were initiated, even a letter was sent to the police station concerned for registering a criminal case against the petitioner society and in the meantime, respondent No.3 without giving any opportunity of hearing issued a notice dated 29.6.2005 (Annexure P-1) to the petitioner in response to which a detailed pointwise reply has been filed by the petitioner on 18.7.2005. Thereafter, nothing has been heard from the side of respondent No.3.

Learned Sr. Counsel for the petitioner submits that action is being initiated without giving any show cause notice and without giving any opportunity of hearing,

(पीछे देखिये)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ...340/05... **सन्** **2005**

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

which is contrary to principles of natural justice. He further submits that respondent No.3 is required to consider the reply filed by the petitioner and decide the same in accordance with law, to which learned State counsel has no objection.

Having heard learned counsel for the parties and having considered the facts and circumstances of the case and submission made by learned Sr. Counsel for the petitioners, respondent No.3 is directed to consider the reply filed by the petitioners on 18.7.2005 in response to the notice dated 29.6.2005 (Annexure P-1) and decide the representation dated 29.4.2005 (Annexure P-7) in accordance with law and if the petitioners want to furnish any document in support of their reply and personal hearing that may also be given to the petitioners before passing the final order and till the decision is given on the representation, respondent No.3 should not act upon the Annexure P-1 dated 29.6.2005.

With the direction aforesaid, the petition stands disposed of.

Consequently, M.(W.)P. No.2877/05 & I.A. No.6467/05 also stand disposed of.

Certified copy as per rules.

Sd/-
L.C.Bhadoo
Judge

(पीछे देखिये)